

MEMORANDUM FOR: Mr. Duckett

Attached memo was reviewed by Dr. Steininger and me. We found really nothing to object to in the content or format.

[] of the IC was advised that the DDS&T agreed with the basic draft. Thought may be you would be interested in this paper.

1 November 1973
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)

DD/S&T# 3386-73

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31 October 1973

Note to the Reader

This is an unclassified 10 page response to the Murphy Commission letter (as directed). To maintain an unclassified level, the generalizations have been unusually broad from the point of view of an insider. Remember that most of the Commissioners do not know a great deal about intelligence, and that much more written detail would confuse the Commission, as well as raise the classification.

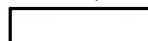
I tried to write a direct and open letter. Where something was more the fault of the consumer than of the community, I tried to say so. Where Congress or the President have authority over our actions, I have pointed that out. I have tried to indicate that intelligence is fallible. In one part -- "(8) Emerging Needs" -- I chose to reserve the answer for an executive session of the hearings. I did this for two reasons (1) to illustrate that the DCI takes seriously the matter of dealing with classified data and expects the Commission to do likewise, and (2) because an unclassified version of the state of the world and our objectives looks ridiculously superficial.

Please read first for generalized accuracy and classification. The Commission does not expect us to slavishly answer each specific subquestion, though most have been given attention.

Please respond by telephone by Thursday afternoon, 1 November, if possible.



/ D/DCI/IC



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Murphy letter to Colby attached

Statement of the Director of Central Intelligence

First, let me confirm your assumption about what intelligence is. The Intelligence Community engages mainly in the collection and analysis of information for the purpose of informing policymakers. We use overt, covert, technical, human, passive, and active collectors for this purpose. We use the most advanced analytical techniques, have recourse to an impressive group of "house" analysts, and contract with outside consultants in an effort to make certain that our analysis is timely, accurate, and as prescient as possible. From time to time, CIA engages in foreign activities to accomplish special goals, as directed by the National Security Council and the President.

Now, as to your other questions, let me key my remarks to your letter:

(1) Authority

Basically, there has always been sufficient authority for the Director of Central Intelligence (DCI) to act as the coordinating force on substantive intelligence matters of national security importance. The United States Intelligence Board

(USIB),* which he chairs, has functioned for some time as a clearinghouse for the best views of its respective members, and advice has gone forward from USIB through the DCI to the highest policy councils. The Act of 1947 and the Central Intelligence Agency Act of 1949 have been sound documents upon which to base the management of CIA.

I do not view subordination to the National Security Council (NSC) as different from subordination to the President. In point of fact, the NSC historically has played only that role in foreign policy and national security affairs which a particular President has desired. But no President in recent times has been willing to function in these areas without access to good intelligence--whether by direct contact with appropriate agencies or through the NSC system.

The responsibilities of some of the agencies of the Intelligence Community to produce both "departmental" and "national" intelligence are not in conflict. In fact, they operate in parallel. The military services, for instance, have intelligence arms which support the

*Members are: DCI (Chairman); DDCI (Vice Chairman); Director, Bureau of Intelligence and Research, Department of State; Director, Defense Intelligence Agency; Director, National Security Agency; Director, Division of International Security Affairs, Atomic Energy Commission; Assistant Director, Federal Bureau of Investigation; Special Assistant to Secretary of the Treasury.

operational forces. They also contribute information and analysis to those in the Community who work only on "national" level problems. I have consulted with the Secretary of Defense, and a study to determine how these programs can better support each other for both substantive benefit and possible resource savings.

With respect to the DCI's responsibility "to protect intelligence sources and methods from unauthorized disclosure" (Section 102 (d) (3) of the National Security Act of 1947), let me say that this is basically a responsibility without authority. This section, and Section 6 of the Central Intelligence Agency Act of 1949, which exempts the Agency from the provisions of any law requiring publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel, have been deemed by the Federal courts to be sufficient to help in some cases. The most recent example is U.S. v. Marchetti, 466 F.2d 1309, 1316. These statutes are being tested in a current civil anti-trust case against IBM, in which the court has ordered government agencies, including CIA, to produce extensive and detailed information on their procurement and use of computers.

The problem for intelligence is that knowledge of activities should not extend beyond those who have a need to know, and there is currently no statutory provision which offers strong protection, including specified sanctions.. The "espionage laws" and related statute are either archaic, having been enacted long before the problems and techniques of modern intelligence were known, or they are too specific (pertaining to atomic energy, communications intelligence, or acts by government employees). Furthermore, they provide no means of enjoining an action before damage is done.

The "services of common concern" mandate is totally adequate, though of course there are always negotiations between agencies about the kind and quality of service to be performed. This is not a problem. I do not believe that the DCI should judge whether or not Section 102 (d) (5) is too broad and open ended. This section of the act has been used regularly by every President and has gone unrevised by the Congress. It must, therefore, have utility in the foreign policy concept.

Section 102 (e) is a key factor in molding a group of intelligence agencies into a "community." Without the

right to have access to all intelligence collected in the government, there could be no single source of intelligence advice, and the policymaker would be buried in a confusion of uncorrelated reports and analyses about major problems and events.

(2) (4) Requirements and Evaluation

The "principal users" of intelligence in the conduct of foreign policy vary considerably in organizational locale from one presidential administration to another. Some Presidents have barely used the mechanism of the NSC, but have relied more formally on the Department of State. The present administration, as you know, has used the NSC Staff and the National Security Advisor concept as the main levels of policy formulation. As a consequence, non-military foreign policy-related intelligence is directed at that level. In addition, economic intelligence is reported to Secretary Schultz, the Council for International Economic Policy, and other departments which have a specific interest in this area. Military-related intelligence is reported to the Secretary of Defense, the Joint Chiefs of Staff, the National Security Advisor/NSC Staff, and generally to the Department of State. With Dr. Kissinger's

movement to State, presumably the tie-in for US military and foreign policy intelligence will be quite strong.

Generally speaking, requirements for information come to the Intelligence Community in a wide variety of effective but not necessarily orderly ways. On a daily basis, policy-oriented analysts are in contact with intelligence analysts, and make their needs known in that context. Through the requirements staffs of each intelligence agency, collection components can be tasked. Formal requests for specific facts or analyses also come from USIB principals, Cabinet members, and of course, the NSC/National Security Advisor level. USIB regularly reviews the "constant" information priorities which transcend any short time period in an effort to make certain that the "big picture" is not lost sight of in a morass of less important "requirements."

In crisis situations, task forces are used to provide the analysis and the collector tasking necessary to support policymaker concerns. The communication of information requirements from any policy level to the intelligence community is best during any crisis and immediately thereafter. Policymaker feedback to the Intelligence

Community on intelligence problems below the first level of priority, and in non-crisis situations, is generally inadequate to give a clear signal about how much effort should be expended on a specific subject by the Intelligence Community. The Community does a respectable but fallible job of tasking itself on these problems. The establishment of the National Security Council Intelligence Committee (NSCIC) should increase the amount of consumer input to the activities of the Intelligence Community.

Evaluation of the performance of the Intelligence Community is a relatively untapped field. For years evaluative efforts have been made within the Community itself, but as I have suggested above, we have not had a strong standard of pre-established user requirements against which to measure ourselves. As a consequence, measurements of effectiveness have usually been taken during or following some crisis which may or may not have been of prior concern to policymakers. Our reviews under such circumstances have been mixed. At the same time, on such "constants" as SAL verification and MBFR support we would get high marks.

To improve our ability to evaluate intelligence activity, I am in the process of establishing a series of objectives which are agreed to by intelligence consumers and which can be translated into activity by the components of the Intelligence Community. I intend to monitor progress toward objectives by means of a quarterly reporting system. Authority for this kind of management by objective comes from the President's November 1971 directive to Mr. Helms. While I will not actually have command authority over the resources of the various intelligence agencies, I will presumably be able to give strong guidance to them based upon the standard of consumer need as compared to measured performance.

(3) (12) Performance and Resources, Budgets

The DCI has no authority to determine the budget and manpower needs of the various agencies in the Intelligence Community. Each component goes through an independent program and budget development process (in the case of State and DOD intelligence programs there are department-wide guidances and constraints which apply apart from intelligence consideration). Each component has an independent review by the Office of Management and Budget (OMB). Each

component receives an appropriation which is under its full control.

An important part of my staff--The Intelligence Community Staff (IC), by name--monitors these independent activities with the consent of the individual components. Certain community-wide issues naturally arise in these reviews, and the IC Staff brings them to my attention. These issues can be resolved in several ways--by an immediate DCI effort to call attention to the substantive ramifications of some potential action so as to encourage or forestall it, by the establishment of a study group with larger-than-component composition to investigate the likely outcomes of a course of action, by the DCI referring the matter to the Intelligence Resources Advisory Committee* (IRAC) for resource advice, by referring the matter to the USIB for substantive advice, or by the DCI referring the matter to the President in annual intelligence program budget recommendations which have multi-agency ramifications. The DCI's annual substantive guidance to the Community is an important factor in such resource decisions.

*Composed of the DCI (Chairman), and one senior representative each from the Department of Defense, the Department of State, OMB, and CIA.

In short, there are many ways in which the budgets of the components can be directed toward common purposes, while retaining for their program managers the flexibility which they need to fulfill statutory obligations. Concern for the most efficient mix of resources to solve a problem is uppermost in our minds at all times. Thus far, any rivalries between programs for resources has been healthy for the national intelligence program.

As to the adequacy of the resources available to the Community or any of its components, I believe that intelligence has always received its fair share of the national treasure. Inflation, devaluation, and other forces affect our work, however, just as they affect other parts of the government or the private sector. Thus, I find the Community confronted with increasing limitations on its resources. The problem can be stated in this way:

a) assuming level manpower, level program size, and continued inflation, the resources for intelligence would have to increase by nearly 25 percent by 1978. This alternative would be unacceptable to the Congress.

b) assuming level dollars, a level program, and inflation offset by manpower reductions, a 40 percent cut in manpower would be required by 1978. The community could not take such a cut and continue to meet its obligations.

c) assuming level dollars, level manpower, and continued inflation, a drastic and unacceptable cut in investment would result.

This dilemma could best be resolved by the achievement of greater management flexibility for the national intelligence effort. While it is difficult to do so under present practices, ways must be found to transfer manpower positions and funds from one intelligence component to another. Furthermore, certain key programs should be protected from the arbitrary effects of economic forces.

(5) Other Intelligence Activities

Counterintelligence activities are designed to protect the US government and the private sector from penetration or manipulation by the intelligence services of other countries. It is our defensive arm, and in this respect, it is an important adjunct to the conduct of foreign policy.

Intelligence activities in support of operational military forces are generally speaking subject to

direction from the Joint Chiefs of Staff (JCS) and the Unified and Specified Commanders in the field. The information collected by these activities is of use mainly to the forces in the field. It updates their contingency planning for war and affects their state of readiness. There is some spin-off value to foreign policy intelligence needs from these activities, however. This is particularly true, for example, during negotiations for peace, for detente, and in the MBFR context. Data provided by some basically force-related systems becomes part of a larger data base used by analysts who must furnish background to negotiators.

(6) Special Programs

The cryptologic programs of the various agencies are coordinated by the National Security Agency under the Consolidated Cryptologic Program. Each of the military service cryptologic agencies receives a budget to support a program which it plans in response to two sets of guidances--one essentially related to support of the operational forces, and the other designed to satisfy "national" needs. The Director of the National Security Agency (NSA) is responsible for technical

support to the service cryptologic agencies, for the tasking of those agencies for national level objectives, and for the production of cryptologic intelligence in support of national security and foreign policy objectives.

Other advanced technological collection programs are generally speaking managed jointly by the DCI and the Secretary of Defense. Naturally there is concern for both substantive requirements and resource constraints.

Studies are now underway to determine the degree to which it is possible for intelligence-related technical collection systems to support similar but non-intelligence information needs elsewhere in the government. In the past some systems, such as the U-2 aircraft, have been used to support snowpack studies in the American west and to photograph hurricane, earthquake and flood damage for national emergency relief and economic planning purposes.

(7) Reports and Estimates

The need of the government for objective and timely analysis is insatiable. I believe that the Intelligence Community responds to this need whenever it is asked. That is not to say that we are always

correct in our analysis--only that we give the best analysis we can based on available facts.

To insure objectivity in Community reports and estimates, we try to include in our text not only the prevailing answers to key questions but also minority viewpoints which are strongly held and well-articulated. Thus, top policymakers receive not only an indication of the results of our thinking, but also some idea of the analytical process which is behind it.

The question of institutional bias is too complicated to answer thoroughly here. Let me say, however, that it rarely is able to carry undue weight in reports and estimates for national policymakers.

I do not believe that research and analysis should be handled in agencies apart from collection and operations, or apart from policy formulation and implementation. If anything, the interdependence of policymaking, analysis, and collection should be increased, so that collection and analysis are focused more precisely on user needs and profit more from user experience. Foreign policy and national security concerns arise in a dynamic environment--one in which collectors and decisionmakers are active. To divorce analysis from this environment

would reduce and slow its flow of information and minimize its utility. At the same time, control over the substantive content of analytical responses to policy questions should not be vested in the policymaker except with respect to substantive requirements and the timing and format of responses. From time to time analysts remind policymakers of this distinction.

(8) Emerging Needs

I would rather answer this question in executive session at the Commission. It goes to the very heart of the guidance which I have sent to the Community and to the way in which we look at the world. Any useful response will have to be classified.

(9) Oversight and Accountability

I believe that the activities, programs, and budgets of the Intelligence Community probably do receive a level of scrutiny different from those of other departments and agencies. In point of fact we probably have more oversight in such areas of the budget than other components of government. In view of the nature of our activities and the society in which we function, I think this extra measure of review is entirely appropriate.

The DCI is responsible in detail to the authority of four committees of the Congress--the two Armed Services Committees and the two Appropriations Committees--under the rules established in each House. In addition, he provides regular substantive briefings to a number of other committees. In the Executive Branch, he is responsible for substantive matters to the National Security Council and the President, and for budget and management matters to OMB and the President. He is responsive to the substantive requirements of the Secretaries of State, Defense, and other agencies with foreign intelligence interest, and the activities of the Intelligence Community are subject to their evaluation. All activities in which CIA and the rest of the Intelligence Community engage are subject to review in detail by the President's Foreign Intelligence Advisory Board.

As the Chairman of the Armed Services Committee said in 1949 when he reported to the Senate the Central Intelligence Agency Act,

"Ours will perhaps be the only Government having a law providing for such an activity. Other governments simply appropriate a disguised sum of money, without any authority of law, to handle the matter through some government

official. We are writing the whole law out ...
We are not doing what other countries do.
We are throwing every possible democratic
safeguard around it as we go along."

In testimony during my confirmation hearings, I indicated that it is for the Congress to decide whether there should be legislative changes in the authorities over foreign intelligence activities. It is a persistent dilemma for the government to determine to what degree the public is informed about intelligence activities. Intelligence professionals are committed to protect the American society. It is the policy of the Intelligence Community to be as forthcoming as possible while protecting the basic elements of secrecy which allow us to be effective. That may mean the release of more facts than make us comfortable from the narrow intelligence point of view.

Having said this, I would counsel that if intelligence is to be an effective arm of the policymaker, at the very least sources and methods must be given the greatest protection. Sometimes that may mean withholding information from public view which could only have been acquired in one way or from one source. The law specifically places on the DCI the responsibility for the protection of sources and methods.

(10) Controls

Dr. Kissinger pointed out in testimony during his confirmation hearings that the National Security Council has established a number of committees to oversee specific aspects of foreign policy and national security. He said, "One such committee deals exclusively with what are called covert operations, and it is composed of the Deputy Secretary of State, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of Central Intelligence and (the President's Advisor for National Security Affairs) This Committee approves the so-called covert operations, it recommends these operations for Presidential approval"

It is the duty of that Committee to judge the possible consequences of the actions which it suggests and approves. The Intelligence Community is prepared to advise about possible consequences, and we are sometimes asked to do so.

(11) Personnel

There are no cross-Community personnel procedures over which the DCI has control. The individual components of the Community establish their own professional

criteria, presumably in view of substantive and resource requirements.

As in the case of many other agencies, those in the Intelligence Community have experienced relatively heavy personnel reductions over the past few years. If such cuts continue, it will intensify the problem of managing for quality. The greater this problem becomes the more necessary it will be to find cross-program management arrangements, including personnel, to guarantee that we can remain responsive. With this in mind, I plan to study the systems and problems of personnel management as they now exist throughout the Community. I have underway a study of the ways in which training can be coordinated to the benefit of all components. This should help in the personnel management environment of the future.

In answer to the second part of your question, let me say that I do not believe that compartmentation is a serious restraint upon the exchange of ideas within the Intelligence Community. Usually "compartments" are used to protect sources and methods rather than facts themselves. Need-to-know is the guiding factor in the protection of information. Those who work on a problem at the highest level have ready

access to information they need. They must only show that the kind of information which they seek is key to their analysis, and that their project will be used by a policymaking level sufficiently high to warrant the inclusion of compartmented intelligence.

(13) Overseas Establishment

Contrary to popular belief, control and coordination of foreign intelligence activities overseas is not a serious problem. Under the general supervision of the Ambassador, the senior CIA representative in any foreign post is responsible for the coordination of all foreign intelligence activities. With very rare exception, this is a close and effective process. Control of such activities is exerted by each parent agency through its command channels. If there are problems which are particularly difficult to resolve in the field, they are worked out in Washington.

The question of effectiveness in the field is under constant evaluation at the agency, Community, and user level. Coordination, however, is not a major factor in the effectiveness of foreign intelligence activities.

2025 M STREET, N.W.
WASHINGTON, D.C. 20506

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10/10-73-1181

October 15, 1973

Mr. William J. Colby
Director of Central Intelligence
Headquarters, CIA
McLean, Virginia 22101

Dear Bill:

As Congressman Zablocki and Dean Wilcox indicated in their recent conversation with you, the Commission is looking forward to meeting with you in November. In preparing for the meeting, the Commission believes it would be especially useful to have a statement setting forth the views of the intelligence community which the members can study in advance and thus make the discussion more profitable. We hope that you will be able to assemble such a statement by the first week in November to permit its distribution to Commission members for the meeting on November 19.

To be most helpful, the statement should address all of the major elements of the national intelligence effort in support of the conduct of foreign policy. For this purpose, it is assumed -- and the Commission would like confirmation or correction of the assumption -- that this effort involves the political, economic, sociological, scientific and military affairs of foreign states, organizations and individuals and that it consists essentially of three principal elements:

- (a) the collection, evaluation and dissemination of information from the following sources:
 - open published materials
 - overt reporting
 - clandestine reporting
 - communications and electronic penetration
 - advanced technological systems
- (b) the preparation through research and analysis, and the dissemination, of studies, reports and estimates
- (c) covert action in support of policy decisions

For each of these elements, the Commission requests an outline of the present organization and procedures particularly in

respect to coordination among agencies, an identification of the principal obstacles to improved performance, and recommendations for appropriate action.

We hope the statement, in addressing the foregoing matters, will touch upon the following questions in addition to any others which you consider to be of importance:

- (1) Authority. Has the National Security Act of 1947 proved to be sufficiently sound as a basic authority for the Director of Central Intelligence to fulfill his role both with respect to the coordination of intelligence for national security and for the management of the Central Intelligence Agency? In particular,
 - a. what are the practical effects of subordination to the National Security Council rather than directly to the President or a department of the government? Should the system be altered?
 - b. can the responsibilities "to correlate and evaluate intelligence relating to the national security" be adequately delineated from the responsibilities of departments and other agencies "to collect, evaluate, correlate and disseminate departmental intelligence"? (Section 102(d)(3))
 - c. has the responsibility "to protect intelligence sources" proved workable and useful? (Section 102(d)(3))
 - d. is the mandate to perform "such additional services of common concern" (Section 102(d)(4)) adequate to the needs of the intelligence community and the government as a whole? Is the mandate to perform "such other functions and duties" (Section 102(d)(5)) too broad and open-ended?
 - e. has the authority to inspect intelligence of the departments and agencies (Section 102(e)) proved adequate and useful?

- (2) Requirements. Who are the principal users of intelligence in support of the conduct of foreign policy? What is the present organization and procedure for the preparation and updating of their requirements to guide the intelligence effort? Are such requirements adequate and what recommendations for improvement are suggested? How are requirements handled in crisis situations, and how can that process be improved?
- (3) Performance and Resources. In the fulfillment of these requirements, is the most effective and efficient use made of the resources of the intelligence community? What is the basis for arriving at the optimum level of such resources and their distribution within the community in order to give the most effective support? What resource requirements are anticipated for the future?
- (4) Evaluation. How effective is the method of evaluating the performance of the intelligence effort in fulfilling the requirements in support of the conduct of foreign policy? What changes are recommended in this regard?
- (5) Other Intelligence Activities. What is the relationship of intelligence activities in support of military-tactical, counterintelligence, or other purposes to the intelligence activities in support of foreign policy?
- (6) Special Programs. What is the institutional mechanism for coordinating cryptological programs among the several agencies? For managing the advanced technological collection programs? How does this tie in with other government programs using similarly advanced technological systems? Is there a way to economize in this field and perhaps even produce a more effective government-wide effort?
- (7) Reports and Estimates. What is the need of the government for coordinated reports and estimates? How are such reports and estimates now produced?

What means are employed to assure that the analyses are forthright, objective, useful to policy makers at all levels of the government, and as free as possible of institutional biases? Should the research and analytical functions be handled in agencies other than those responsible for collection and operations? For policy formulation and implementation?

- (8) Emerging Needs. How is the mission of the intelligence community changing in the 1970s? What steps are being taken to adapt the intelligence effort to new demands for support in such fields as international trade, energy matters, the environment, and narcotics control?
- (9) Oversight and Accountability. What are the institutional controls through which the Executive Branch and Congress oversee activities of the intelligence community? Are they effective in making the intelligence community realistically responsive to government authorities? Does the public have a right to be better informed about the intelligence business; what improvements should be made in the process of accountability of intelligence activities to the public?
- (10) Controls. In respect to the activities and operations of intelligence which may impinge upon the conduct of foreign policy or in respect to operations designed to support specific policies, what is the system of guidance and control and is it fully adequate? What is done to assure that approving officials are fully aware of the possible consequences of a given action? What improvements in the system are recommended?
- (11) Personnel. Are the personnel procedures for CIA and other agencies in the intelligence community soundly based to recruit and sustain the professional corps necessary for the best intelligence support of the conduct of foreign policy? What steps are being taken throughout the community to mitigate the adverse effects of compartmentalization arising from security requirements in order to achieve greater cross-fertilization of ideas and personnel?

- (12) Budgets. To what extent does the DCI have the authority to determine or otherwise oversee the budget and manpower needs of the various agencies in the intelligence community? Should he have greater authority in this regard? Are the present budget resources of the several components of the intelligence community adequate, excessive or insufficient for their contributions to the intelligence effort in support of the conduct of foreign policy?
- (13) Overseas Establishment. What are the problems of control, coordination, and communications in overseas establishments as they pertain to intelligence? How can these establishments be made more effective and efficient?

The Commission is aware that a comprehensive response to these questions could lead to a most exhaustive study and a very lengthy report. We are hopeful, however, that while giving full attention to the important implications of the questions, you can in your report identify and emphasize the most important elements in our inquiry.

A copy of this letter is going to the Secretary of State, the Secretary of Defense and the President's Special Assistant for National Security Affairs, as members of the National Security Council, with the request that they offer whatever comments they can on the foregoing questions to assist the Commission in its study.

The Commission is most appreciative of your personal assistance and that of other components of the intelligence community in the fulfillment of our tasks.

Cordially yours,



Robert D. Murphy
Chairman

cc: The Secretary of State
The Secretary of Defense
The President's Special Assistant
for National Security Affairs

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CONCURRENCE		INFORMATION	SIGNATURE
Remarks: <p>Apologies for timing, but no option. <input type="checkbox"/></p> <p><input type="checkbox"/> John Warner and I had one session on the first draft yesterday.</p> <p>Agency response due to the Commission "by the first week in November." Appreciate a verbal reaction by c.o.b. today.</p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 100px; height: 50px; margin-right: 10px;"></div> <div> <i>Office advised 1635/11/73</i> </div> </div> <p>25X1A</p>			
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